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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 STEVE MICHAEL COX,) 3:05-cv-00421-HDM-RAM
10 Plaintiff,)
11 vs.) ORDER
12 E.K. McDANIEL, et al.,)
13 Defendants.)
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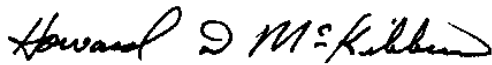
15 The court has considered the report and recommendation of the
16 United States Magistrate Judge (#82) filed on June 4, 2008, in
17 which the Magistrate Judge recommends that this court grant
18 defendants' motion for summary judgment (#72). Plaintiff opposed
19 defendants' motion (#77), and defendants replied (#80). No
20 objections to the report and recommendation have been filed, and
21 the time for filing any objections has expired.

22 The court has considered the pleadings and memoranda of the
23 parties and other relevant matters of record and has made a review
24 and determination in accordance with the requirements of 28 U.S.C.
25 § 636 and applicable case law, and good cause appearing, the court
26 hereby

ADOPTS AND ACCEPTS the report and recommendation of the United States Magistrate Judge (#82). Accordingly, defendants' motion for summary judgment as to Counts IX and X is **GRANTED** and this action is hereby **DISMISSED**. The clerk of the court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED: This 21st day of July, 2008.



UNITED STATES DISTRICT JUDGE